



**WOKINGHAM  
BOROUGH COUNCIL**

# **CODE OF PRACTICE FOR ROADSIDE MEMORIALS**

Author: Nick Rose

Traffic, Transport and Road Safety  
Place and Neighbourhood Services

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## INTRODUCTION

There is an increasing tendency for relatives and friends to place memorials on the public highway in memory of loved ones who have died in a road traffic accident. The Council recognises and respects the right to mourn, and that the laying down of flowers can be an important part of the grieving process but has a duty to keep the public highways safe. The Council therefore has to balance the wishes of the bereaved with public safety. The distraction of motorists and the safety of those placing or maintaining memorials are the overriding safety issue in the consideration of the roadside memorials.

The Highways Act 1980, however, has no express provision to licence or permit memorials on the highway. However, it is recognised that some Highway Authorities have been criticised in the media for insensitive actions and handling of the situation. There is a need to ensure that these situations are dealt with in a sympathetic, understanding and sensitive way. Because of the sensitivities, the Council will work, when appropriate, with the Thames Valley Police family liaison officers to offer appropriate advice and support.

## Relevant Legislation and Documentation

- The provisions of the Highways Act 1980 section 132
- The Traffic Signs Regulations and General Directions 2002
- Roadpeace – The national charity dedicated to supporting bereaved and injured road accident victims. ([www.roadpeace.org](http://www.roadpeace.org))
- Brakecare - A division of the charity Brake that supports people affected by road accidents. ([www.brake.org.uk](http://www.brake.org.uk))

## Council Practice

This Code of Practice applies only to tributes placed in the highway.

The Council recognise the Roadpeace “Remember Me” campaign, whereby an A4 (maximum) sized notice illustrated by a flower bearing the person’s name is attached to a suitably located lamp column or item of street furniture. The Council cannot grant consent for the erection of such signs and cannot grant consent to put such signs on private property. It is in effect deferring taking action to remove them as unauthorised signs.

Only the laying of a small floral tribute at appropriate times of the year and for limited durations at the roadside will be acceptable and only then provided there is no significant risk of driver distraction or undue risk to the individual visiting the location.

All items must be placed clear of any locations where highway maintenance is likely to be undertaken, e.g. grass cutting. They should also be placed away from locations that are hazardous to access, such as carriageway central reservations and busy roundabout central islands. They should not be attached to street furniture such that they obstruct driver visibility (i.e. on pedestrian railings) or in such a manner as to obstruct a footway.

The planting of shrubs or trees at the roadside will not normally be permitted as they could in time interfere with visibility sightlines, access to statutory undertakers’ equipment, affect street lighting levels or other highway maintenance. There could also be risk of damaging statutory undertakers’ equipment or being harmed by such equipment when digging in a verge.

The planting of a shrub or tree in an area of public open space could be acceptable only after express and written permission is given by the Council in advance. The creation of permanent structures will not be allowed on the highway or on Council land and will be removed. Where planting is permitted the Council accepts no responsibility for its maintenance.

If it becomes necessary to remove any tribute, as a result of roadworks or highway improvement schemes that would affect the location, any tribute would be managed sensitively. The Council would endeavour to not remove any tribute without first making contact with the family members. However, in the event of an emergency no such assurance can be given. The Council cannot accept any liability for what is removed nor will it be responsible for its replacement.

The Council is committed to working with the families of the bereaved and will work closely with Thames Valley Police family liaison officers in respect of helping address the needs of the bereaved.

## Roadpeace “Remember Me” signs

Roadpeace have promoted the placing of small memorial signs saying ‘remember me’ to mark road accident fatalities, the signs have no official sanction with the Department for Transport (DfT) and as such there is no current legislation or guidance for the Council to approve the placing of these signs on street furniture.

These signs cannot therefore be authorised under the current legislation. Under such circumstances the Council will defer taking them down for a period of six months from the date of the accident.

## Application

This Code of Practice will be applied with as much sympathy and understanding as possible. The officers charged with ensuring compliance will endeavour to be as understanding as possible whilst mindful of the over riding duty to ensure public safety and ongoing delivery of services to the public at large.